

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 17042 of 2014 (E)

PETITIONER(S) :

V.A.THANKACHAN
THYMUATHIL HOUSE, NATTASSERY KARA,
PARAMPUZHA P.O.
VIJAYAPURAM VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SRI.M.V.BIPIN

RESPONDENT(S) :

1. THE SOUTHERN RAILWAY,
REPRESENTED BY ITS ZONAL MANAGER
THIRUVANANTHAPURAM - 695003

2. THE STATION MASTER
KOTTAYAM RAILWAY STATION, KOTTAYAM-686002

3. SUB INSPECTOR OF POLICE
RAILWAY POLICE, KOTTAYAM RAILWAY POLICE STATION
KOTTAYAM - 686 002

4. KOTTAYAM RAILWAY TAXI DRIVERS UNION (CITU)
REPRESENTED BY ITS SECRETARY, KOTTAYAM- 686002

5. KOTTAYAM RAILWAY TAXI DRIVERS UNION (INTUC)
REPRESENTED BY ITS SECRETARY, KOTTAYAM.

6. KOTTAYAM RAILWAY TAXI DRIVERS UNION (BMS)
REPRESENTED BY ITS SECRETARY, KOTTAYAM.

R4 -R 6 BY ADV. SRI.SREEPRAKASH K.NAIR
BY SRI.C.S.DIAS,SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 14-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 17042 of 2014 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE CONTRACT CARRIAGE PERMIT
ISSUED BY THE REGIONAL TRANSPORT AUTHORITY
KOTTAYAM, WHICH IS VALID FROM 10.3.2014 TO
9.3.2019.

P2 : COPY OF THE RECEIPT SHOWING THE
REMITTANCE OF LICENSE FEE FOR PARKING
PETITIONER'S VEHICLE IN THE PREMISES OF
THE 2ND RESPONDENT TAXI SLOT VALID FROM
1.4.2014 FOR A PERIOD OF 6 MONTHS.

P3 : COPY OF THE REPRESENTATION SUBMITTED
BY THE PETITIONER BEFORE THE 2ND
RESPONDENT DTD.26.5.2014.

P4 : COPY OF JUDGMENT OF THIS HON'BLE
COURT IN WPC NO.25304/2008 DTD.1.9.2008.

/TRUECOPY/

P.S. to Judge

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 17042 of 2014 – E
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Dated this the 14th day of January, 2015.

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking a direction to provide adequate police protection to the petitioners for parking and plying his vehicle (Tata Indica Car) bearing Reg. No. KL-5-Z-3728 from the taxi parking slot at Kottayam Railway Station. According to the petitioner, obstruction is caused by members of respondents 4 to 6 and their men.

2. Learned counsel for the petitioner submits that the petitioner had obtained necessary permission from the Railway

Authorities to park his vehicle in the railway parking area.

3. The learned Government Pleader, on instructions, submits that the petitioner is having other vehicles as well. That apart, more than 26 vehicles have been parked in the said area at one point of time. But, only on account of insufficiency of space that obstruction is being caused by the members of the respondent unions. Learned counsel appearing for respondent Unions submit that they have not obstructed the petitioner in any manner but the petitioner is parking other vehicles immediately outside the parking area of the Railway Station and are taking the passengers in his vehicle.

4. As far as the claim of the petitioner is concerned, since he has permission from the railways to park his vehicle inside the premises, nobody can prevent or obstruct the parking of the said vehicle. But as far as the claim for police protection is concerned, police can interfere only if there is law and order situation.

In the result, this Writ Petition is disposed of directing

police to ensure that there is law order situation in the matter relating to parking of the vehicle of the petitioner which has valid permission to park inside the premises of the Railways.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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/truecopy/

P.S.tojudge